

Congressional delegations. His knowledge of Air Force issues and policy and his commitment to the United States Air Force is impressive and will be missed by Members who, like me, have found him to be unfailingly helpful whenever his assistance was requested.

Mr. Speaker, please join me in thanking Colonel Bull, his wife Carol, and his two daughters, Cristina and Lauren, for his service to the Air Force and to our nation, and extend our best wishes for his retirement.

HONORING ROBERT A. MUNYAN,
PRESIDENT, IBEW LOCAL 1289

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1999

Mr. PALLONE. Mr. Speaker, it is my great pleasure to rise today to honor a man who has spent the last 43 years of his life representing the interests of working men and women in Central New Jersey.

Robert A. Munyan, today, retires as President and Business Manager of International Brotherhood of Electrical Workers Local Union 1289.

For the last several decades, Robert Munyan has spent a majority of his time improving the quality of life for thousands of workers in the State of New Jersey. Throughout his career in organized labor, Mr. Munyan has held numerous positions for Local 1289, culminating with his election as President and Business Manager in 1980.

Mr. Munyan has played an essential role in IBEW contract negotiations, helping shape the New Jersey Master Energy Plan, and protecting workers' rights in the New Jersey State Energy Deregulation Bill. He continues to be a constant supporter of organized labor and works to ensure that all workers have a voice.

With Robert Munyan's retirement, IBEW Local 1289 is losing a worker, a family man, and a leader. I want to offer Mr. Munyan my congratulations and thanks for his outstanding career of service. It is with men like Robert Munyan that our nation's labor movement is such a huge success. He will be sorely missed.

COSPONSOR H.R. 2560

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 1999

Mr. ISTOOK. Mr. Speaker, I rise today to urge my colleagues to cosponsor H.R. 2560, the "Child Protection Act of 1999." This bill would require that filters that block obscenity and child pornography be placed on all computers with Internet connections that minors can access which have been purchased with Federal funds. Here is a copy of my "Dear Colleague" and a copy of the Congressional Research Service opinion that says this approach is constitutional. It is important that we protect our children from obscenity and child pornography.

PROTECT OUR CHILDREN FROM OBSCENITY!!!

DEAR COLLEAGUE: There are over 30,000 pornographic Internet web sites. 12-17 year old

adolescents are among the larger consumers of Porn (U.S. Commission on Pornography) Transporting obscenity on the Internet is a Federal crime. (Punishable by a fine and not more than 5 years in prison for the first offense and a fine and up to 10 years in prison for the second offense, plus a basic fine of up to \$250,000. 18 USC 1462)

In 1998, Congress tried to protect children from obscenity with the "Child Online Protection Act." That legislation attempted to protect our children by requiring adult identification before admission to a site. The court has blocked this since some adults may not have appropriate identification and might be denied access. Our children are still in danger.

If we cannot protect our children from the obscenity on websites, the only solution is to protect them when they use the Internet. In 1998, the Labor-HHS-Education Appropriations subcommittee adopted an amendment which would protect our children from obscenity on the Internet. This provision was supported by every member of the subcommittee, both Democrat and Republican. The roll call vote was unanimous.

This legislation requires a school or library which receives Federal funds for the purchase of computers or computer-related equipment (modems, LANs, etc.), to install an Internet obscenity/child pornography filter on any computer to which minors have access.

Because the filters are not yet perfect, and might inadvertently block non-obscene websites, the provision allows access to other sites with the assistance of an adult. The filter can be turned off with a password, for example, for that one session; the filters routinely turn back on automatically after that user exits the Internet. The filter software is required only for computers to which minors have access, so, for example, it would not restrict a teacher's computer in their personal office, or any computer in a strictly-adult section of a library.

If the filtering software is not installed, the school or library involved would have funds withheld for further payments toward computers and computer-related services, until they comply with the law.

State agencies, who have oversight of the appropriated funds, are responsible for approving software to comply with this legislation. There is no authority for the Department of Education to dictate this selection. The Department of Education only has authority to determine the accepted software packages usable by Indian Tribes and Department of Defense schools and libraries. This is designed to assure local control, and to foster competition in the software market.

The Supreme Court has determined that obscenity is not constitutionally-protected speech. This legislation will not curtail anyone's constitutionally-protected speech.

If you have questions or to cosponsor, call Dr. Bill Duncan (Rep. Istook) at 5-2132.

ERNEST J. ISTOOK, Jr.,
Member of Congress.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, June 7, 1999.
MEMORANDUM

To: Honorable Ernest J. Istook, Attention: Dr. William A. Duncan
From: Henry Cohen, Legislative Attorney, American Law Division.
Subject: Constitutionality of Blocking URLs Containing Obscenity and Child Pornography.

This memorandum is furnished in response to your question whether a draft bill titled the "Child Protection Act of 1999" would be

constitutional if it were implemented by blocking URLs known to contain obscenity or child pornography. The draft bill would apply to any elementary or secondary school or public library that receives federal funds "for the acquisition or operation of any computer that is accessible to minors and that has access to the Internet." It would require such schools and libraries to "install software on [any such] computer that is determined [by a specified government official] to be adequately designed to prevent minors from obtaining access to any obscene information or child pornography using that computer," and to "ensure that such software is operational whenever that computer is used by minors, except that such software's operation may be temporarily interrupted to permit a minor to have access to information that is not obscene, is not child pornography, or is otherwise unprotected by the Constitution under the direct supervision of an adult designated by such school or library."

The First Amendment provides: "Congress shall make no law . . . abridging the freedom of speech, or of the press." The First Amendment does not apply to two types of pornography: obscenity and child pornography, as the Supreme Court has defined them.¹ It does, however, protect most pornography, with "pornography" being used to mean any erotic publication. The government may not, on the basis of its content, restrict pornography to which the First Amendment applies unless the restriction is necessary "to promote a compelling interest" and is "the least restrictive means to further the articulated interest."² It was on this ground that a federal district court struck down a Loudoun County, Virginia, public library policy that blocked access to pornography on all library computers, whether accessible to adults or children.³

The Loudoun County case involved a policy under which "all library computers would be equipped with site-blocking software to block all sites displaying: (a) child pornography and obscene material; and (b) material deemed harmful to juveniles . . . To effectuate the . . . restriction, the library has purchased X-Stop, commercial blocking software manufactured by Log-On Data Corporation. While the method by which X-Stop chooses to block sites has been kept secret by its developers, . . . it is undisputed that it has blocked at least some sites that do not contain any material that is prohibited by the Policy."⁴

The court found "that the Policy is not narrowly tailored because less restrictive means are available to further defendant's interest . . ."⁵ One of these less restrictive means was that "filtering software could be installed on only some Internet terminals and minors could be limited to using those terminals. Alternately, the library could install filtering software that could be turned off when an adult is using the terminal. While we find that all of these alternatives are less restrictive than the Policy, we do not find that any of them would necessarily be constitutional if implemented. That question is not before us."⁶

X-Stop, as the court noted, blocks sites. If this means that it blocks URLs that are known to display child pornography and obscenity (and material deemed harmful to juveniles), as opposed to blocking particular material, on all sites, that constitutes child pornography or obscenity, then it would be the sort of software that you ask us to assume would be used to implement the draft bill. The draft bill, however, would be implemented by one of the "less restrictive

Footnotes appear at end of memorandum.